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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,272	07/31/2001	Yoshitaka Ukita	7217/65185	4079

7590 01/14/2004  
COOPER & DUNHAM LLP  
1185 Avenue of the Americas  
New York, NY 10036

EXAMINER

MISKA, VIT W

ART UNIT	PAPER NUMBER
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2841

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/919,272

Applicant(s) *UKITA*

UKITA ET AL.

Examiner

Vit W. Miska

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10, 12-15, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 7-9, 11, 16 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 12-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kihara et al in view of Wong et al and the prior art described at pages 1-2 of applicant's specification. The Kihara et al patent discloses a reproduction apparatus for reproducing term managed data including main data storage means 40, term data storage means shown in Fig. 15 as "EMD information". Time information is described with reference to Fig. 17 at col. 23, referring to "YMDhms" representing the time and date when reproduction is permitted with the EMD. Thus, a time counting means would be a necessary part of the system. Such time counting function is further disclosed as being part of a prior art EMD at page 1, line 19 of the specification. One of ordinary skill in the art would thus provide a time counting means in Kihara et al as a standard component for an EMD system.

A battery is not referred to in the Kihara et al device. However, in view of the suggestion of the system being incorporated in a portable device at col. 4, line 44, one skilled in the art would provide a battery for providing power to the device.

Kihara et al does not suggest providing a holding means for holding the time information at predetermined times. Wong et al suggests this feature in a systems using an RTC (col. 1, line25). A holding means NVRAM and control means 30 is shown in Fig. 1 for this purpose. One of ordinary skill in the art having both references would thus have a suggestion of providing a holding means for the time information at predetermined times in the Kihara et al device as disclosed in Wong et al , as a conventional method for securing time information in the event of power failure.

With respect to claims 2 and 14, Wong et al teaches resuming counting of the time information after resumption of power at col. 4, line 42

With respect to claim 5-6 and 17, the holding means holds the time information at predetermined times as shown in the flow chart of Fig. 2 (step 62).

Claims 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kihara et al, Wong et al and the applicant disclosed prior art as applied to claims 1 and 14, in further view of Youngberg. The Youngberg reference teaches correction of

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time in a device by connecting to remote device having time information and adjusting the time accordingly. One skilled in the art would thus be familiar with such conventional time updating using a remote time source and provide the same in the Kihara et al system.

Claims 7-9, 11, 16 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 703-308-3096. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 703-308-3121. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.



VM  
1/12/2004

Vit Miska  
Primary Examiner